

COMMITTEE AMENDMENT FORM

DATE: 09/15/09

COMMITTEE CITY UTILITIES PAGE NUM(S)

ORDINANCE I. D. #09-O- SECTION (S)

RESOLUTION I. D. #09-R-1552 PARA.

AMENDS THE LEGISLATION BY INSERTING A NEW “BE IT REOLVED CLAUSE’ AFTER THE 2ND RESOLVE CLAUSE WHICH READS AS FOLLOWS:

BE IT FURTHER RESOLVED, that the Mayor is authorized to make a payment to the State of Georgia Department of Transportation (GADOT) in the amount of One Hundred Ninety Thousand Two Hundred Forty Dollars and Twenty-Three Cents (\$190,240.23) within thirty (30) days of the execution of this agreement.

AMENDMENT DONE BY COUNCIL STAFF 9/15/09

AN AMENDED RESOLUTION

09-R-1552

BY CITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN CONJUNCTION WITH CONSTRUCTION OF THE 14TH STREET BRIDGE IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY THOUSAND TWO HUNDRED FORTY DOLLARS AND TWENTY-THREE CENTS (\$190,240.23); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17102596 101 505821445 5414002COA AND FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5058(DWM 2004 BOND) 170408 (DWM DRINKING WATER ENGINEERING SERVICE) 5414002 (FAC. NOT BUILDINGS CIP) 4440000(DISTRIBUTION) 102596(GA TECH MDTOWN); AND FOR OTHER PURPOSES.

WHEREAS, the State of Georgia Department of Transportation (the "GADOT") is constructing a new bridge at 14th Street and I-75/85 and associated improvements (NHS-0001-00(298)01 Fulton County; and

WHEREAS, the Department of Watershed Management and the GADOT have determined that the most effective and economical method of constructing the required water system improvements and the new 14th Street Bridge and associated improvements in 14th Street is for the GADOT to include construction of the required water system improvements as part of the GADOT project; and

WHEREAS, the cost of the required portion of the water system improvements is One Hundred Ninety Thousand Two Hundred Forty Dollars and Twenty-Three Cents (\$190,240.23); and

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to execute a Contract Item Agreement with the State of Georgia Department of Transportation (GADOT) in substantial form as the agreement attached hereto as Exhibit "A" for construction of water system improvements.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an Appropriate Agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that the Mayor is authorized to make a payment to the State of Georgia Department of Transportation (GADOT) in the amount of One Hundred

Ninety Thousand Two Hundred Forty Dollars and Twenty-Three Cents (\$190,240.23) within thirty (30) days of the execution of this agreement

BE IT FURTHER RESOLVED, that this Agreement will not become binding on the City and the City will incur no liability or obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to GADOT.

AND FINALLY BE IT RESOLVED, that all services for said contracted work shall be charged to and paid from Project Task Award Expenditure and Organization Number 17102596 101 505821445 5414002 COA and Fund Department Organization and Account Number 5058(DWM 2004 Bond) 170408 (DWM Drinking Water Engineering Service) 5414002 (Fac. Not Buildings CIP) 4440000(Distribution) 102596(GA Tech Midtown.

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN CONJUNCTION WITH CONSTRUCTION OF THE 14TH STREET BRIDGE IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY THOUSAND TWO HUNDRED FORTY DOLLARS AND TWENTY-THREE CENTS (\$190,240.23); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17102596 101 505821445 5414002COA AND FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5058(DWM 2004 BOND) 170408 (DWM DRINKING WATER ENGINEERING SERVICE) 5414002 (FAC. NOT BUILDINGS CIP) 4440000(DISTRIBUTION) 102596(GA TECH MIDTOWN); AND FOR OTHER PURPOSES.

WHEREAS, the State of Georgia Department of Transportation (the "GADOT") is constructing a new bridge at 14th Street and I-75/85 and associated improvements (NHS-0001-00(298)01 Fulton County; and

WHEREAS, the Department of Watershed Management and the GADOT have determined that the most effective and economical method of constructing the required water system improvements and the new 14th Street Bridge and associated improvements in 14th Street is for the GADOT to include construction of the required water system improvements as part of the GADOT project; and

WHEREAS, the cost of the required portion of the water system improvements is One Hundred Ninety Thousand Two Hundred Forty Dollars and Twenty-Three Cents (\$190,240.23); and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor or her designee be and is hereby authorized to execute a Contract Item Agreement with the State of Georgia Department of Transportation (GADOT) in substantial form as the agreement attached hereto as Exhibit "A" for construction of water system improvements.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an Appropriate Agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that this Agreement will not become binding on the City and the City will incur no liability or obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to GADOT.

BE IT FINALLY RESOLVED, that all services for said contracted work shall be charged to and paid from Project Task Award Expenditure and Organization Number 17102596 101 505821445 5414002 COA and Fund Department Organization and Account Number 5058(DWM 2004 Bond) 170408 (DWM Drinking Water Engineering Service) 5414002 (Fac. Not Buildings CIP) 4440000(Distribution) 102596(GA Tech Midtown).

EXHIBIT "A"

Project No.: NHS-0001-00(298)01 Fulton County
P.I. No.: 0001298

THIS AGREEMENT, made _____ by and between the Department of Transportation, an agency of the State of Georgia, hereinafter called the DEPARTMENT, first party and the CITY OF ATLANTA, a political subdivision of the State of Georgia, hereinafter called the CITY, second party;

WITNESS that:

WHEREAS, the DEPARTMENT proposes to construct the above numbered project to replace the 14th Street Bridge crossing I-75/I-85 between Techwood Drive and Williams Street in the City of Atlanta, Fulton County, Georgia; and

WHEREAS, due to the construction of this project, it will become necessary to make certain adjustments or replacements of water facilities and appurtenances of the CITY, the cost of which is \$190,240.23; and

WHEREAS, the CITY has requested that the DEPARTMENT include the installation or adjustment of certain water facilities in its bridge construction contract ; and

WHEREAS, the CITY shall bear the cost of adjustment or installation of the requested water facilities: and

WHEREAS, this Agreement being for the sole purpose of providing a contractor for the CITY'S work, the CITY shall bear the cost of said work as indicated herein;

WHEREAS, the plans and costs for the water facilities work have been approved by both the DEPARTMENT and the CITY prior to commencing work;

NOW THEREFORE, in consideration of the premises and the mutual covenants of the parties hereinafter set forth, it is agreed:

1. All construction engineering and contract supervision shall be the responsibility of the DEPARTMENT and the DEPARTMENT shall be responsible to assure that all water facilities work is accomplished in accordance with plans and specifications and to consult with the CITY before authorizing any changes or deviations which affect the CITY'S water facilities.

2. The CITY shall have the right to visit and inspect the work at any time and advise the DEPARTMENT'S Engineer of any observed discrepancies or potential problems. The DEPARTMENT agrees to notify the CITY when all water facilities work is completed and ready for final inspection by the CITY.

EXHIBIT "A"

3. Upon completion of the work and upon certification by the DEPARTMENT that the work has been completed in accordance with the aforesaid plans and specifications, the DEPARTMENT shall make a "Final Acceptance" of the work. Thereafter, the CITY shall accept the water facilities and shall thereafter operate and maintain the water facilities without further cost to the DEPARTMENT or its contractor. Such maintenance and all operations and activities shall be subject to the DEPARTMENT'S rules, policies and procedures as contained in its Utility Accommodation Policy and Standards, current edition.

4. The CITY agrees to make payment to the DEPARTMENT in the amount of \$190,240.23 within thirty (30) days after the execution of this Agreement.

5. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

6. It is mutually agreed between the parties hereto that this document shall be deemed to have been executed in Fulton County, Georgia, and that all questions of interpretation and construction shall be governed by the laws of the State of Georgia.

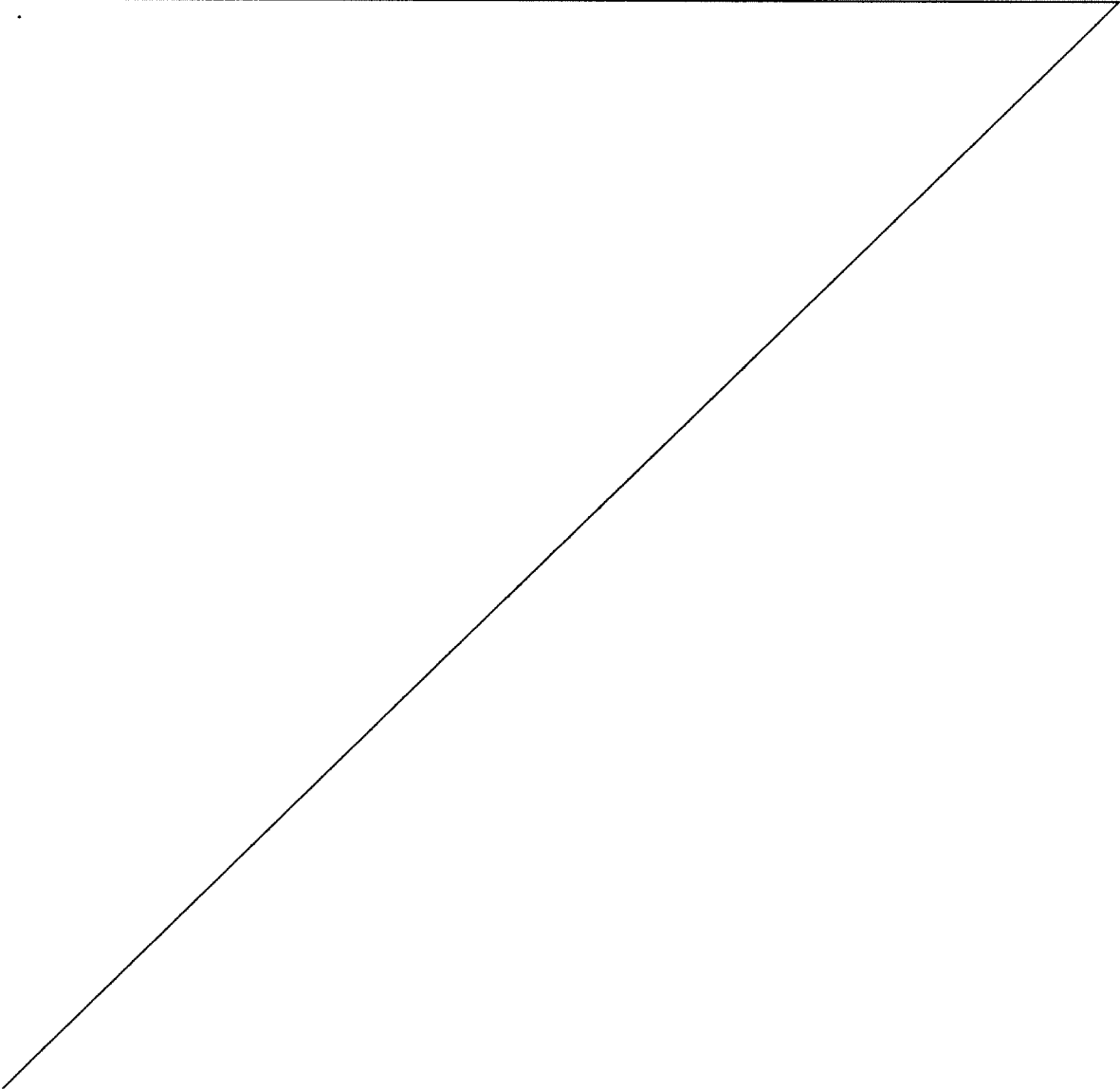


EXHIBIT "A"

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in three counterparts, each to be considered as original by their duly authorized representatives the day and date hereinabove written.

CITY OF ATLANTA:

MUNICIPAL CLERK (Seal)

RECOMMENDED:

**Commissioner, Department of
Watershed Management**

APPROVED AS TO FORM:

CITY ATTORNEY

SHIRLEY FRANKLIN, MAYOR

This Agreement approved by the Atlanta City
Council at meeting held on _____, and signed
by the Mayor on _____

Chief Financial Officer

DEPARTMENT OF TRANSPORTATION

RECOMMENDED:

By: _____
STATE UTILITIES ENGINEER

ACCEPTED:

By: _____
COMMISSIONER

Project No:NHS-0001-00(298)01
COUNTY: FULTON
P.I. No.: 0001298
Date: August 27, 2009

Signed, sealed and delivered this _____
day of _____, 20 _____

I attest that the seal imprinted herein is the official Seal of the DEPARTMENT.

By: _____
TREASURER
(OFFICIAL CUSTODIAN OF THE SEAL)

CITY OF ATLANTA
DEPT. OF PROCUREMENT

09 AUG 19 AM 11:39



SHIRLEY FRANKLIN
MAYOR

CITY OF ATLANTA
55 TRINITY AVENUE, SW, SUITE 5400, SOUTH BLDG.
ATLANTA, GEORGIA 30303-0324
OFFICE (404) 330-6081
FAX (404) 658-7194

DEPARTMENT OF
WATERSHED MANAGEMENT
ROBERT J. HUNTER
Commissioner

August 18, 2009

TO: Adam L. Smith, Chief Procurement Officer
Department of Procurement

FROM: Robert J. Hunter, Commissioner
Department of Watershed Management

Robert J. Hunter ^{SR}

SUBJECT: Legislative Request for 14th Street Bridge Improvements Project with Georgia Department of Transportation

Please prepare appropriate legislation (**Cycle 15, September 8, 2009**) for the above referenced contract with Georgia Department of Transportation. in an amount not to exceed \$190,240.23.

PATEO: Project:17102596, Task:101, Award: 505821445, Expenditure: 5414002

FDOA: Fund: 5058(DWM 2004 Bond) Dept. 170408(DWM Drinking Water Engineering Service) Account: 5414002(Fac. Not Buildings CIP) Function: 4440000(Distribution) Project: 102596(GA Tech Midtown)

If you have any questions please contact Lawrence Hall, Departmental Contracting Officer, at (404) 330-6151.

Thank you for your assistance in this matter.

cc: Shelia Pierce, Deputy Commissioner, DWM
George Barnes, Deputy Commissioner, DWM
Cathy Martin, Deputy Chief Procurement Officer, DOP
Maisha Land, Legislative Liaison, DWM
Theresa Stewart, Legislative Counsel, DOL
Lawrence Hall, Departmental Contracting Officer, DWM
File

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN CONJUNCTION WITH CONSTRUCTION OF THE 14TH STREET BRIDGE IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY THOUSAND TWO HUNDRED FORTY DOLLARS AND TWENTY-THREE CENTS (\$190,240.23); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17102596 101 505821445 5414002COA AND FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5058(DWM 2004 BOND) 170408 (DWM DRINKING WATER ENGINEERING SERVICE) 5414002 (FAC. NOT BUILDINGS CIP) 4440000(DISTRIBUTION) 102596(GA TECH MIDTOWN); AND FOR OTHER PURPOSES.

Council Meeting Date: September 21, 2009

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

To enter into a contractual agreement with Georgia Department of Transportation, for 14th Street Bridge Improvement Project, in an amount not to exceed \$190,240.23.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

14th Street Bridge and associated improvements to include construction of the required water system improvements as part of the Georgia Department of Transportation project..

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Construction Agreement
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. Fund Account Center (Ex. Name and number):

Fund: _____ **Account:** _____ **Center:** _____

- 5. Source of Funds: *Example: Local Assistance Grant*** \$190,240.23 PATEO:Project:17102596, Task:101, Award:505821445, Expenditure: 5414002 FDOA: Fund:5058(DWM 2004 Bond) Dept. 170408(DWM Drinking Water Engineering Service) Account: 5414002(Fac. Not Buildings CIP) Function: 4440000(Distribution) Project: 102596(GA Tech Midtown)

6. Fiscal Impact: \$190,240.23 PATEO:Project:17102596, Task:101, Award:505821445, Expenditure: 5414002 FDOA: Fund:5058(DWM 2004 Bond) Dept. 170408(DWM Drinking Water Engineering Service) Account: 5414002(Fac. Not Buildings CIP) Function: 4440000(Distribution) Project: 102596(GA Tech Midtown)

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: Revenue Fund

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.***
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.***

This Legislative Request Form Was Prepared By: Lawrence Hall

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: _____ Maisha L. Wood _____

Contact Number: _____ (404) 330-6887 _____

Originating Department: _____ Department of Watershed Management _____

Committee(s) of Purview: _____ City Utilities _____

Chief of Staff Deadline: _____ September 1, 2009 _____

Anticipated Committee Meeting Date(s): _____ September 15, 2009 _____

Anticipated Full Council Date: _____ September 21, 2009 _____

Legislative Counsel's Signature: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____ n/a _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ITEM AGREEMENT WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS IN CONJUNCTION WITH CONSTRUCTION OF THE 14TH STREET BRIDGE IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY THOUSAND TWO HUNDRED FORTY DOLLARS AND TWENTY-THREE CENTS (\$190,240.23); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17102596 101 505821445 5414002COA AND FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5058(DWM 2004 BOND) 170408 (DWM DRINKING WATER ENGINEERING SERVICE) 5414002 (FAC. NOT BUILDINGS CIP) 4440000(DISTRIBUTION) 102596(GA TECH MIDTOWN); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$190,240.23

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: _____ Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)